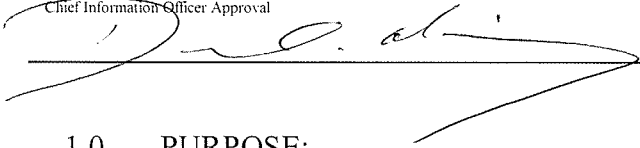




King County Information Technology Governance Policies & Standards

Policy Title	Document Code No.
King County Information Privacy Policy	
Chief Information Officer Approval	Effective Date.
	August 23, 2005
Date	

1.0 PURPOSE:

King County, as a government entity, conducts public business. As such, the records related to the business of King County are generally available for public review. Nevertheless, King County is committed, to the extent allowable by law, to protect and secure Personal Information contained in Organization records. This privacy commitment must be balanced with the rights of public access under Chapter 42.17 RCW (Washington Public Disclosure Act) and consistent with KCC 2.14.030 and any other applicable federal, state, and local statute or regulation.

2.0 APPLICABILITY:

All King County Organizations as defined in Section 4.5.

This policy does not apply to personnel files, job applications, court records, law enforcement investigation, regulatory investigation, assessor records, and recorded documents maintained by Records, Elections, and Licensing Services division (REALS).

3.0 REFERENCES:

- 3.1 Exhibit A: King County Privacy Notice
- 3.2 15 USC § 6501-06 (Children's Online Privacy Protection Act of 1998)
- 3.3 KCC 2.14.030
- 3.4 RCW 42.17.310
- 3.5 RCW 42.17.260
- 3.6 RCW 84.36.389
- 3.7 RCW 65.04.140

4.0 DEFINITIONS:

- 4.1 **Consent:** Permission or authorization given by an individual for an Organization to handle Personal Information in specified ways.
- 4.2 **Correction:** A deletion or addition to Personal Information proposed by an individual who is the subject of the change.
- 4.3 **Disclose; Disclosure:** Making Personal Information available.
- 4.4 **Individual:** A person or entity.

- 4.5 **Organization:** Every county office, every officer, every institution, whether educational, correctional or other, and every department, division, board and commission.
- 4.6 **Personal Information:** Any information concerning an individual which is contained in an Organization record and, because of name, identifying number, image, mark, or description, can be readily associated with a particular individual.
- 4.7 **Privacy:** The right of individuals to determine for themselves when, how, and to what extent Personal Information is Disclosed.
- 4.8 **Privacy Notice:** A written notice that expresses the privacy commitment of the County (supplemented in some cases by particular Organizations) and describes the practices for collecting, using, sharing, securing, and correcting Personal Information.
- 4.9 **Privacy Practice:** How Organizations manage privacy that may be either formalized through privacy policies, standards and procedures, or informal, reactive, and ad hoc in nature.
- 4.10 **Record:** any writing in paper or electronic form but not including: writings that are recorded by REALS; writings related to investigations by law enforcement, licensing and regulatory Organizations; and writings filed in superior and district court cases.
- 4.11 **Secondary Use:** Using Personal Information collected for one purpose for a second, unrelated purpose.
- 4.12 **Security:** Protecting Personal Information from unauthorized disclosure, loss, alteration or disruption of service.
- 4.13 **Service Provider:** A private contractor or public organization providing services on behalf of or in conjunction with an Organization.
- 4.14 **Third Party:** Any individual, other than an employee of the Organization or Service Provider in possession of the Personal Information, who receives Personal Information.

5.0 POLICIES:

- 5.1 **Collection and Use** – Organizations or Service Providers that collect Personal Information shall obtain this Personal Information through legal means.
 - 5.1.1 **Purpose** – When Personal Information can only be collected with the consent of the Individual, Organizations or Service Providers shall at the time of collection identify the purpose for collecting Personal Information and shall take reasonable steps to limit subsequent use of this personal information to the stated purpose.
 - 5.1.2 **Notification** – Organizations or Service Providers that collect Personal Information shall at the time of collection provide notice that the law may require disclosure of the information as a public record. Upon request,

Organizations or Service Providers shall provide a written statement generally identifying the known circumstances under which Personal Information in public records may be disclosed.

- 5.1.3 **Limits** - Organizations or Service Providers shall limit the collection of Personal Information to that which is relevant and necessary for the stated purpose in order to conduct Organization business.
 - 5.1.4 **Accuracy** – Organizations or Service Providers shall take reasonable steps to collect Personal Information that is reliable for its intended use, accurate, complete and current.
 - 5.1.5 **Use** - Personal Information shall be used by Organization or Service Provider employees on a need-to-know basis.
 - 5.1.6 **Children** - Organizations or Service Providers that collect Personal Information from children without parental consent using the Internet shall comply with the Federal Children’s Online Privacy Protection Act.
 - 5.1.7 **Method** - Organizations or Service Providers using the Internet to receive Personal Information from an individual shall offer an alternate method for receiving this information.
- 5.2 **Disclosure** - Organizations or Service Providers shall not disclose, sell or make available Personal Information to a Third Party for a Secondary Use without receiving written consent from the Individual who is the subject of the Personal Information unless (1) it is required by law, (2) it is needed to complete the individual’s transaction with the Organization or Service Providers, or (3) there is an extreme emergency that presents a threat of serious injury or loss of life.
- 5.2.1 **Notice** - Organizations or Service Providers shall provide notice to the individual when a Third Party has been given access to an individual’s Personal Information beyond public disclosure required by law.
 - 5.2.2 **Third Party** - Organizations that disclose Personal Information to a Service Provider shall include contract language requiring that Personal Information must be managed in a manner consistent with this Policy and any applicable Organization-specific policy.
- 5.3 **Retention and Disposal**
- 5.3.1 **Retention** - Organizations or Service Providers shall retain Personal Information only as long as it is necessary to conduct county business and only to the extent required by law.
 - 5.3.2 **Disposal** - Organizations or Service Providers shall dispose of Personal Information in a secure manner that does not disclose Personal Information.

- 5.4 **Security** - Organizations or Service Providers shall take organizational, technological, and physical measures to securely safeguard Personal Information. Organizations shall comply with countywide and Organization-specific information security policies and standards.
- 5.5 **Inspection and Correction** - Organizations or Service Providers shall allow an individual to review Personal Information and, upon request, Organizations shall make timely corrections, after first authenticating the individual requesting the change, independently verifying the information to be changed, and finally notifying the individual of the change.
 - 5.5.1 **Notification** - Organizations or Service Providers shall notify an individual when it will not change Personal Information, stating the reason why the information was not corrected as the individual had requested.
- 5.6 **Contact** – King County’s Privacy Notice shall identify a point of contact for privacy inquiries and complaints. An organization may also identify an additional point of contact for privacy inquiries and complaints.
 - 5.6.1 **Privacy Officer** - The county privacy officer shall track all privacy inquiries and complaints until resolution.
 - 5.6.2 **Organization Contact** - Each Organization or Service Provider that collects, uses, or shares personal information shall designate a privacy coordinator as the focal point for the Organization’s or Service Providers’ privacy inquiries and complaints who will investigate or coordinate with the county privacy officer to investigate and resolve complaints.
 - 5.6.3 **Initial Point of Contact** – Each organization must either designate their own point of contact for an inquiry or complaint or identify the county initial point of contact. Agencies designating an initial point of contact must provide the county initial point of contact with the information necessary to track all privacy inquiries and complaints until resolution.
- 5.7 **Privacy Notice** - Organizations shall post the King County Privacy Notice that is attached hereto as Exhibit A, wherever Personal Information is collected.
 - 5.7.1 **Internet** - All web pages that receive Personal Information shall display King County’s Privacy Notice from a link on the web page.
 - 5.7.2 **Customer Service Office** - All customer service offices of Organizations or Service Providers that receive Personal Information shall conspicuously display King County’s Privacy Notice and provide a printed copy upon request.

- 5.7.3 **Service Providers** – Organizations shall include in a contract or agreement with a Service Provider who receives Personal Information on behalf of the Organization that the Service Provider shall conspicuously display King County's Privacy Notice and provide a printed copy upon request.
- 5.7.4 **Organization Privacy Notice** - Organizations or Service Providers with an additional privacy notice based on more stringent rules shall also post and provide copies of the Organization-specific notice.
- 5.8 **Employee Expectations** – Organization or Service Provider employees shall not disclose Personal Information without written consent from the individual who is the subject of the Personal Information except as required by law, needed to complete the individual's transaction with the Organization or Service Providers or in the event of an extreme emergency that presents a threat of serious injury or loss of life.
 - 5.8.1 **Notification** - Employees aware of Personal Information that is inadequately secured or has been inappropriately disclosed are encouraged to promptly notify the county privacy officer.
 - 5.8.2 **Training** - Upon hire and annually thereafter, Organization or Service Provider employees with access to or responsibility for Personal Information shall complete privacy training.
- 5.9 **Organization policies** - Organizations may develop more stringent information privacy policies and standards as needed to address Organization-specific cases.
- 5.10 **Organization procedures** - Organizations or Service Providers shall develop, document, and implement procedures that support this policy and other countywide information privacy policies, standards and guidelines.
- 5.11 **Compliance**
 - 5.11.1 **Annual compliance review** - At least annually, Organizations or Service Providers shall review their information privacy processes, procedures and practices and any Organization or Service Provider specific policies and standards, for compliance with this policy.
 - 5.11.2 **Verification of compliance** - Annually the executive, judiciary, council and all other elected officials shall verify in writing to the chief information officer that its Organization is in compliance with this policy and identify any areas where compliance has not been achieved

- 5.1.1.3 **Annual review** - Annually the CIO shall review the status of Organization adoption and compliance with countywide information privacy policies and standards and works with Organizations on any required compliance follow-up.

6.0 RESPONSIBILITIES:

- 6.1 **Strategic policy oversight** – Information Technology Governance, through the Business Management Council (BMC) has strategic policy oversight for information privacy over King County Organizations. Specifically, the BMC is responsible for reviewing draft countywide information privacy policies, standards and guidelines, and assessing Organization impact and resources for Organization implementation.
- 6.2 **County privacy officer** - directs, oversees and strategically guides the county's privacy program and is the focal point for privacy at King County. The county privacy officer is responsible for:
 - 6.2.1 Drafting countywide information privacy policies, standards and guidelines, and directing privacy policy decisions.
 - 6.2.2 Overseeing the countywide privacy training program.
 - 6.2.3 Researching existing and emerging privacy laws, regulations and issues, and communicating this to Organizations.
 - 6.2.4 Overseeing privacy audits and corrective actions to remediate deficiencies.
 - 6.2.5 Identifying, tracking and resolving King County privacy issues, including oversight of Organization or Service Provider response to customer complaints.
- 6.3 **Organization privacy coordinator** - coordinates resolution of privacy issues within the Organization and is the Organization's focal point for privacy issues. The Organization privacy coordinator is responsible for:
 - 6.3.1 Identifying and resolving Organization privacy issues including customer complaints.
 - 6.3.2 Reporting privacy issues and resolutions to the county privacy officer.
- 6.4 **Organization management** - oversees Organization privacy policies, practices and procedures to ensure confidentiality of sensitive and personal information. Organization management is responsible for:
 - 6.4.1 Committing resources and implementing countywide privacy policies and standards.
 - 6.4.2 Developing and implementing Organization-specific privacy policies and procedures.

6.4.3 Directing Organization and Service Providers audit of privacy practices, procedures, policies and standards.

6.4.4 Ensuring compliance with privacy policies and standards.

6.4.5 Correcting deficiencies in practices and in policies to achieve Organization or Service Provider compliance.

6.5 **Organization staff** - protect sensitive and personal information that they come in contact with in accordance with this policy and with Organization-specific privacy policies, standards and procedures, and report any violations to the county privacy officer.

7.0 POLICY GUIDELINES:

None.